

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DENNIS J. KUDER,

Plaintiff,

v.

**DECISION AND ORDER**  
15-CV-151-A

CAROLYN W. COLVIN,  
Acting Commissioner of Social Security,

Defendant.

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This action was referred to Magistrate Judge Hugh B. Scott pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On August 24, 2016, Magistrate Judge Scott filed a Report and Recommendation (Dkt. No. 16), recommending that defendant Commissioner's motion for judgment on the pleadings (Dkt. No. 14) be granted, and that plaintiff's cross motion for similar relief in his favor (Dkt. No. 10) be denied.

The Court has carefully reviewed the Report and Recommendation, and the record in this case, and no objections having been timely filed, it is hereby

**ORDERED**, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendant Commissioner's motion for judgment on the pleadings is granted, and plaintiff's cross motion for similar relief in his favor is denied. The Clerk of the Court shall

enter Judgment for defendant Commissioner and close the case.

**IT IS SO ORDERED.**

*Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: October 27, 2016